

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**Daniel John Boelman**

Registered Nurse License No. 559836

Respondent

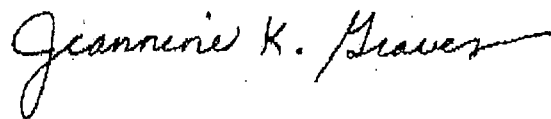
Case No. 2011-804

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **July 19, 2011**.

IT IS SO ORDERED **July 19, 2011**.



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President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
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7 Attorneys for Complainant

8 BEFORE THE  
9 BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation and Petition To  
12 Revoke Probation Against:

Case No. 2011-804

13 DANIEL JOHN BOELMAN  
113 Timber Ridge Drive  
14 Pella, Iowa 50219

STIPULATED SURRENDER OF  
LICENSE AND ORDER

15 Registered Nurse License No. 559836

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
22 Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Janice K.  
24 Lachman, Supervising Deputy Attorney General.

25 2. Daniel John Boelman (Respondent) is representing himself in this proceeding and has  
26 chosen not to exercise his right to be represented by counsel.  
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1 3. On or about September 15, 1999, the Board of Registered Nursing issued Registered  
2 Nurse License No. 559836 to Daniel John Boelman (Respondent). The Registered Nurse License  
3 expired on April 30, 2005, and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 2011-804 was filed before the Board of Registered Nursing (Board),  
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
7 and all other statutorily required documents were properly served on Respondent on April 8  
8 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
9 Accusation No. 2011-804 is attached as Exhibit A and incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 2011-804 Respondent also has carefully read, and understands the effects of this  
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 2011-804 agrees that cause exists for discipline and hereby surrenders his Registered Nurse  
26 License No. 559836 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation he enables the Board to issue  
28 an order accepting the surrender of his Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 559836, issued to Respondent Daniel John Boelman, is surrendered and accepted by the Board of Registered Nursing:

14. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
2 license history with the Board.

3 15. Respondent shall lose all rights and privileges as a registered nurse in California as of  
4 the effective date of the Board's Decision and Order.

5 16. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 17. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in  
11 Accusation No. 2011-804 shall be deemed to be true, correct and admitted by Respondent when  
12 the Board determines whether to grant or deny the petition.

13 18. If and when Respondent's license is reinstated, he shall pay to the Board costs  
14 associated with its investigation and enforcement pursuant to Business and Professions Code  
15 section 125.3 in the amount of \$742.50. Respondent shall be permitted to pay these costs in a  
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 19. If Respondent should ever apply or reapply for a new license or certification, or  
19 petition for reinstatement of a license, by any other health care licensing agency in the State of  
20 California, all of the charges and allegations contained in Accusation No. 2011-804 shall be  
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 20. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: April 13, 2011 Daniel John Boelman  
DANIEL JOHN BOELMAN  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: March 23, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
ALFREDO TERRAZAS  
Senior Assistant Attorney General

Janice K. Lachman  
JANICE K. LACHMAN  
Supervising Deputy Attorney General  
Attorneys for Complainant

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**EXHIBIT A**

**ACCUSATION AND PETITION TO REVOKE PROBATION**

**BOARD OF REGISTERED NURSING CASE NO. 2011-804**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to  
12 Revoke Probation Against:

13 **DANIEL JOHN BOELMAN**  
113 Timber Ridge Drive  
14 Pella, Iowa 50219

15 **Registered Nurse License No. 559836**

16 Respondent.

Case No. 2011-804

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

17  
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about September 15, 1999, the Board issued Registered Nurse License Number  
23 559836 to Daniel John Boelman ("Respondent"). The license expired on April 30, 2005, and has  
24 not been renewed.

25 **DISCIPLINARY HISTORY**

26 3. On August 9, 1999, the Board issued a Decision adopting the Proposed Decision and  
27 Order in the case entitled *In the Matter of the Statement of Issues Against: Daniel J Boelman*, Case  
28 No. 99-125. Pursuant to the Decision, the Board granted Respondent's application for licensure



1 as a registered nurse, immediately revoked the license, stayed the order of revocation, and placed  
2 Respondent's nursing license on probation for a period of three (3) years on certain terms and  
3 conditions. Pursuant to Condition (4) of the Decision and Order, "periods of residency or practice  
4 outside of California will not apply to the reduction of this probationary term" of three (3) years.  
5 Respondent has not resided in California since the effective date of the Decision.

#### 6 STATUTORY PROVISIONS

7 4. Business and Professions Code section ("Code") provides, in pertinent part, that the  
8 Board may discipline any licensee, including a licensee holding a temporary or an inactive  
9 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
10 Practice Act.

11 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
12 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
13 to render a decision imposing discipline on the license.

14 6. Code section 2811(b), provides, in pertinent part, that the Board may renew an  
15 expired license at any time within eight years after the expiration.

16 7. Code section 2761 states, in pertinent part:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an  
18 application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
21 against a health care professional license or certificate by another state or territory of the United  
22 States, by any other government agency, or by another California health care professional  
23 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
24 action."

#### 25 COST RECOVERY

26 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 9. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about  
6 August 4, 2009, pursuant to a Stipulation and Order issued by the Iowa State Board of Nursing in  
7 a disciplinary proceeding titled *In the Matter of Daniel J. Boelman*, Case No. 05-193,  
8 Respondent's Iowa Registered Nurse License No. 098009, was suspended indefinitely and placed  
9 on probation for a period of twelve (12) months upon fulfillment of certain terms and conditions,  
10 including a chemical dependency evaluation. The Stipulation and Order is attached hereto as  
11 **Exhibit A**, and incorporated herein by reference.

12 **PETITION TO REVOKE PROBATION**

13 10. Pursuant to the terms and conditions of probation imposed in Case No. 99-125,  
14 referenced above in paragraph 3, condition (10) provides as follows:

15 VIOLATION OF PROBATION – If applicant violates the conditions of his  
16 probation, the Board after giving notice and an opportunity to be heard, may set aside the stay  
17 order and impose the stayed discipline of the license. If during the period of probation, an  
18 accusation has been filed against applicant's license of the Attorney General's Office has been  
19 requested to prepare an accusation against his license, the probation period shall automatically be  
20 extended and shall not expire until the accusation has been acted upon by the Board upon  
21 successful completion of probation, the license will be fully restored.

22 Grounds exist to set aside the stay of revocation and impose the order of revocation in that  
23 Respondent has failed to comply with the terms and conditions of probation as follows:

24 **Failure to Obey All Laws**

25 11. Condition (1) of probation in Case No. 99-125 provides, in pertinent part, that  
26 Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board  
27 of Registered Nursing governing the practice of nursing in California and shall report any and all  
28 violations of law to the Board in writing within 72 hours of occurrence. Respondent failed to  
comply with condition (1), in that he failed to obey all laws, as set forth above in paragraph 9, and  
failed to report the violation to the Board as required.

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Failure to Maintain Active, Current License

12. Condition (2) of probation in Case No. 99-125 provides that Respondent shall fully comply with all terms and conditions of probation, shall cooperate with the Board in its monitoring and investigation of compliance with probation, shall inform the Board in writing within no more that 15 days of any address change, and shall at all times maintain an active, current license status with the Board. Respondent failed to comply with condition (2) in that he failed to maintain an active, current license with the Board.

PRAYER

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

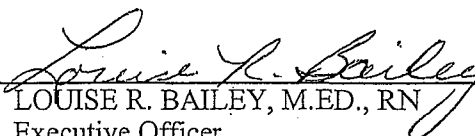
1. Revoking or suspending Registered Nurse License No. 559836, issued to Daniel John Boelman;

2. Revoking the order of probation granted in Case No. 99-125 and imposing the stayed order of revocation against Registered Nurse License No. 559836, issued to Daniel John Boelman;

3 Ordering Daniel John Boelman to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

4 Taking such other and further action as deemed necessary and proper.

DATED: April 8, 2011

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit A**

**Decision and Order, Case No. 99-125, OAH No. N-1999050054**

**Board of Registered Nursing**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues )  
Against: )

) File No. 99-125

) DANIEL J BOELMAN )  
) 620 West Sycamore Street )  
) Ogden, IA 50212 )

) OAH No. N-1999050054

) Applicant/Respondent. )  
)  
\_\_\_\_\_ )

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby  
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on September 8, 1999.

IT IS SO ORDERED August 9, 1999.

May Jo Gurny Olsen

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

DANIEL JOHN BOELMAN  
620 West Sycamore Street  
Ogden, IA 50212

Applicant/Respondent.

No. 99-125

OAH NO. N-199050054

**PROPOSED DECISION**

On May 13, 1999, in Sacramento, California, Administrative Law Judge M. Amanda Behe, Office of Administrative Hearings, heard this matter.

Maureen McKennan Strumpfer, Deputy Attorney General, Department of Justice, State of California, represented complainant.

Respondent appeared in propria persona.

**FACTUAL FINDINGS**

1. Ruth Ann Terry, R.N., M.P.H., is the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (hereinafter "the Board"), and made and filed the Statement of Issues in her official capacity.

2. On August 10, 1998, Daniel John Boelman (hereinafter "applicant") submitted to the Board an Application for Licensure by Endorsement. Applicant certified to the truth and accuracy of the contents of the Application. His entries on the Application noted that he was licensed in Iowa in 1997, License No. 098009, and that his license is scheduled to expire in March 2000. He graduated from Mercy School of Nursing, a diploma program, in May

1997. Applicant answered "YES" to the Application question regarding conviction of an offense other than a minor traffic violation.

3. Applicant included with his Application a written explanation of his criminal convictions. With regard to his third degree burglary conviction in violation of Iowa Code sections 713.1 and 713.6a, he wrote that on September 21, 1996 his friend Brett Cranston tried to convince applicant to help him break into an apartment in his building. Applicant refused but did sit in the parking lot to make sure the coast was clear. A week later Cranston and applicant were reported to the police by a third person, and applicant was charged with violation of Iowa Code sections 713.1 and 713.6a, third degree burglary. On February 12, 1997 applicant pled guilty to the charges and the following month was sentenced to two years probation and completion of 125 hours of community service, and judgment was deferred. Applicant wrote that he "worked my entire 125 hours of community service in the Broadlawns Hospital Primary Care Clinic under the supervision of Cathy Holler, R.N. I served my probation here in Polk County under probation officer Ray Tharp at the Polk County Correctional Services Dept. On March 12, 1998 I was discharged from probation (one year early) without entry of judgment. Judgment having been deferred in this case under section 907.3, the court's criminal record with reference to the deferred judgment was expunged."

4. In his written explanation applicant stated with regard to his accessory after the fact conviction that on September 8, 1996 his friend Brett Cranston, see Finding 3 above, broke into the Lakeshore Country Club and stole various items including golf equipment. Applicant "accepted the equipment with the knowledge that it was stolen" and those matters were reported to the police by the same person who reported the burglary described above. On January 7, 1997 applicant was charged with third degree burglary conviction in violation of Iowa Code sections 713.1 and 713.6a, but when he appeared in court on April 25, 1997 the charge was reduced to Accessory After the Fact. He pled guilty and was sentenced to one year probation and ordered to pay a \$500 fine plus surcharge. Applicant wrote "The fine and surcharge were paid and the one year probation was served here in Polk County concurrently with my probation. My probation officer was Ray Tharp as mentioned above. I was discharged from this probation on March 13, 1998."

5. Applicant's written explanation also discussed his rehabilitation. He wrote, "This September will be two years time since the above violations of the law occurred. A lot of things have happened since then that have changed my life in such a way that will prevent me from ever violating the law again. First and foremost I've graduated from nursing school and have my R.N. license which I didn't have two years ago. Being a nurse and being able to care for patients means a lot to me and I will never do anything in the future that will put my ability to do that or my nursing license into jeopardy.

"Another change in my life has been the fact that I have an excellent support system in place of family and friends here in Iowa and in California, which I didn't have at the time that the

above violations of the law occurred. I have also learned from this how important it is to choose your friends wisely, and to stay away from people involved in these criminal activities. Lastly the whole experience of having to go to court, being on probation, and having to work community service was more than enough to convince me for a lifetime not to do anything ever again that would make me have to repeat this experience. ... I ask [the Board] to consider ... my criminal record was clean before the above mentioned violations of law, and I have been in no trouble with the law since. I have been a R.N. here in the state of Iowa for thirteen months now (having graduated nursing school on May 9, 1997) without any disciplinary action against my license."

6. Pursuant to Business and Professions Code section 2736 the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of the Business and Professions Code.

7. Pursuant to Business and Professions Code section 480 the Board may deny a license when it finds that the applicant has been convicted of a crime substantially related to the qualifications, functions, or duties of a registered nurse, or committed any act which if done by a licensee would be grounds for suspension or revocation of a license.

8. On March 25, 1997 applicant was convicted in the Iowa District Court in and for Polk County, Case No. 106483, on his plea of guilty of violation of Iowa Code section 713.6a, burglary in the third degree, a felony. The crime of which applicant was convicted is substantially related to the qualifications, functions and duties of a registered nurse within the meaning of Title 16, Code of California Regulations, section 1444.

9. The following month, on April 25, 1997, applicant was convicted in the Iowa District Court in and for Union County, Case No. FECR006075, on his plea of guilty of violation of Iowa Code section 714.1(1) and 714.2(3), theft in the third degree. The crime of which applicant was convicted is substantially related to the qualifications, functions and duties of a registered nurse within the meaning of Title 16, Code of California Regulations, section 1444.

10. Applicant testified that in September 1996 he accepted stolen golf equipment from a friend, and in a separate incident kept watch while the friend burglarized an unoccupied apartment. Applicant acknowledged his responsibility and testified that he "make mistakes [he is] ashamed of and sorry for" and he has learned to choose his friends more carefully. Since his convictions he has graduated from nursing college, and he testified "my career means the world to me and I would not put it in jeopardy."

11. Applicant was discharged from his concurrent probation period in March 1998. He completed his required community service by working as a unit clerk at Broadlands Medical Center, a primary care clinic which serves mostly uninsured patients.



12. Applicant has worked for almost two years as a R.N. on the Cardiac Telemetry Floor at Mercy Hospital, Des Moines, Iowa, where he started working while still in school. He presented the hearsay letter of Doralyn Moorehead, R.N., Unit Nursing Director of 7 North Telemetry, that he "is very caring toward patients and their families, demonstrating maturity and compassion" and "has the technical skill and knowledge to handle any acute emergency situation" and "good rapport with other staff as well as with physicians." Applicant has received three Mercy Hospital Role Model Awards during his employment. Applicant's November 1997 evaluation was received as a hearsay document. It noted his "high level of knowledge", participation in in-services, and that he worked as charge of the evening shift on his floor.

13. Applicant is interested in moving to California for better career opportunities and pay. He hopes to return to school while continuing in cardiac nursing, and later to work in critical care nursing. He has friends and an uncle in California. Applicant displays considerable remorse for his convictions, and a mature appreciation for the value of his career. It appears the public interest would be protected if his license were issued in a probationary status.

#### LEGAL CONCLUSIONS

1. Grounds exist for the denial of applicant's application pursuant to Business and Professions Code sections 480(a)(1) in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a registered nurse within the meaning of Title 16, California Code of Regulations, section 1444.

2. Grounds exist for the denial of applicant's application pursuant to Business and Professions Code sections 480(a)(3) in that he has committed acts which if done by a licensee would be grounds for suspension or revocation of a license.

3. Grounds exist for the denial of applicant's application pursuant to Business and Professions Code sections 480(a)(2) in that he has committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or to substantially injure another.

#### ORDER

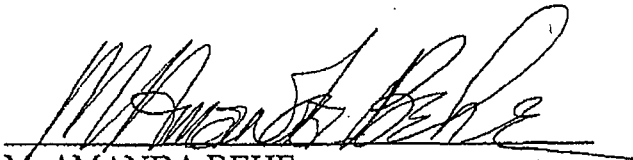
Daniel John Boelman's application for licensure is hereby granted and a license shall be issued to him. Said license shall immediately be revoked, the order of revocation stayed and applicant placed on probation for a period of three years on the following terms and conditions:

- (1) OBEY ALL LAWS - Applicant shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by applicant to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, he shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.
- (2) COMPLY WITH PROBATION PROGRAM - Applicant shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of his compliance with the Program. Applicant shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.
- (3) REPORT IN PERSON - Applicant, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.
- (4) ABSENCE FROM STATE - Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Applicant must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
- (5) SUBMIT WRITTEN REPORTS - Applicant, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to his compliance with all the terms and conditions of the Board's Probation Program. He shall immediately execute all release of information forms as may be required by the Board or its representatives.
- (6) FUNCTION AS A REGISTERED NURSE - Applicant, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.
- (7) NURSING PRACTICE - The Board shall be informed of and approve of each agency for which the applicant provides nursing services prior to his commencement of work. Applicant shall inform his employer of the reason for and

the terms and conditions of probation and shall provide a copy of the Board's decision and order to his employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Applicant is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.

- (8) SUPERVISION - The Board shall be informed of and approve of the level of supervision provided to the applicant while he is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Applicant shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
- (9) EMPLOYMENT LIMITATIONS - Applicant may not work for a nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor in a Board approved continuing education program. Applicant must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.
- (10) VIOLATION OF PROBATION - If applicant violates the conditions of his probation, the Board after giving notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline of the license. If during the period of probation, an accusation has been filed against applicant's license or the Attorney General's Office has been requested to prepare an accusation against his license, the probation period shall automatically be extended and shall not expire until the accusation has been acted upon by the Board. Upon successful completion of probation, the license will be fully restored.

Dated: JUNE 1, 1999

  
M. AMANDA BEHE  
Administrative Law Judge  
Office of Administrative Hearings

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MAUREEN G. McKENNAN STRUMPFER  
State Bar No. 161571  
3 Deputy Attorney General  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 445-2069

6 Attorneys for Complainant

7  
8 BEFORE THE  
BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the Statement of Issues Against:

12 DANIEL JOHN BOELMAN

13  
14 Applicant/Respondent.  
15

NO. 99-125

STATEMENT OF  
ISSUES

16 Ruth Ann Terry, M.P.H., R.N., as causes for denial of the application of  
17 Daniel John Boelman for licensure by endorsement as a registered nurse, alleges:

18 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this  
19 statement of issues in her official capacity as Executive Officer, Board of Registered  
20 Nursing, Department of Consumer Affairs, State of California.

21 2. Under Business and Professions Code section 2736, the Board of  
22 Registered Nursing may deny a license when it finds that the applicant has committed any  
23 acts constituting grounds for denial of licensure under section 480 of that code.

24 3. Under Business and Professions Code section 480, the Board of  
25 Registered Nursing may deny a license when it finds that the applicant has been convicted  
26 of a crime substantially related to the qualifications, functions or duties of a registered

27 ///

1 nurse, or committed any act which, if done by a licensee, would be grounds for  
2 suspension or revocation of the license.

3           4.     On or about August 10, 1998, the Board of Registered Nursing  
4 received an application for licensure by endorsement as a registered nurse from Daniel  
5 John Boelman ("applicant"). On August 4, 1998, applicant certified under penalty of  
6 perjury that the information contained in the application was true and correct.

7           5.     Grounds exist to deny applicant's application under Business and  
8 Professions Code section 480(a)(1) in that he has been convicted of crimes substantially  
9 related to the qualifications, functions or duties of a registered nurse, within the meaning  
10 of Title 16, California Code of Regulations, section 1444, in that such conduct evidences  
11 a present or potential unfitness of respondent to perform the functions of a registered  
12 nurse in a manner consistent with the public health, safety or welfare, as set forth below:

13           a.     On or about March 25, 1997, applicant was convicted by the Court  
14 on a plea of guilty of violating Iowa Code section 713.6A (1995) (burglary in the third  
15 degree), a felony, in the Iowa District Court In and For Polk County, case number  
16 106483, entitled State of Iowa v. Daniel J. Boelman. The circumstances of the crime  
17 were that on or about September 21, 1996, in West Des Moines, Iowa, applicant  
18 committed the act of breaking and entering or aided in breaking and entering an  
19 unoccupied residence with the intent to commit theft.

20           b.     On or about April 25, 1997, applicant was convicted by the Court on  
21 a plea of guilty of violating Iowa Code sections 714.1(1) and 714.2(3) (theft in the third  
22 degree) in the Iowa District Court In and For Union County, case number FECR006075,  
23 entitled State of Iowa v. Daniel John Boelman. The circumstances of the crime are that  
24 on or about September 9, 1996, applicant entered Lakeshore Country Club in Afton, Iowa,  
25 while it was closed and stole golf equipment and alcohol.

26           6.     Grounds exist to deny applicant's application under Business and  
27 Professions Code section 480(a)(3) in that respondent committed acts, which if done by a

1 licensee, would constitute grounds for discipline under Business and Professions Code  
2 sections 490, 2761(a) and 2761(f), as set forth in paragraph 5.

3 7. Grounds exist to deny applicant's application under Business and  
4 Professions Code section 480(a)(2) in that he committed acts involving dishonesty, fraud,  
5 or deceit with the intent to substantially benefit himself or another, or substantially injury  
6 another, as set forth in paragraph 5.

7 8. Grounds exist to deny applicant's application under Business and  
8 Professions Code sections 2761(a) on the grounds of unprofessional conduct and 2761(f)  
9 in that respondent has been convicted of substantially related crimes, as set forth in  
10 paragraph 5.

11 WHEREFORE, complainant prays that a hearing be held and that if the  
12 allegations set forth herein, or any of them, are found to be true, that the application of  
13 Daniel John Boelman for licensure as a registered nurse be denied.

14  
15 DATED: 4/19/99

16  
17 Ruth Ann Terry  
18 RUTH ANN TERRY, M.P.H., R.N.  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California

23  
24  
25  
26 Complainant

26 03579-100  
27 SA1999AD0201  
(lk 3/11/99)

BEFORE THE BOARD OF NURSING  
OF THE STATE OF IOWA

---

In the matter of:	)	
	)	
DANIEL J. BOELMAN	)	CASE NO. 05-193
1323 Main Street	)	
Pella, IA 50219	)	
	)	STATEMENT OF CHARGES
Certificate and License No.	)	
098009,	)	
Respondent.	)	

---

COMES NOW, the Complainant, Dana R. Peterson, and states:

1. She is an investigator for the Board of Nursing, and files this Statement of Charges solely in her official capacity.
2. The board has jurisdiction in this matter pursuant to 2005 Iowa Code chapters 17A, 147, 152, and 272C.
3. On June 19, 1997, Daniel J. Boelman, the Respondent, was issued certificate and license no. 098009 by the board to engage in the practice of a registered nurse, subject to the laws of the state of Iowa and the rules of the board.
4. License no. 098009 is active and will expire on March 15, 2006.

COUNT I

The Respondent is charged with unethical conduct in violation of Iowa Code § 147.55(3), as defined by 655 IAC 4.6(4)"1," for misappropriating medications, property, supplies, or

equipment of the patient, client, or agency.

#### **THE CIRCUMSTANCES**

1. The Respondent was employed at one hospital from October 6, 2003, until his resignation on March 24, 2005, and at a second hospital from March 29, 2005, until his termination on May 13, 2005.

2. The Respondent admits that from fall 2004 until May 13, 2005, he diverted narcotics from both hospitals for his personal use. These narcotics included Hydrocodone, Oxycodone, Oxycontin, Morphine, Demerol, Fentanyl, and Dilaudid.

3. The Respondent was employed at a temporary staffing agency from June 28, 2005, until his termination on October 12, 2005.

4. Narcotic discrepancies at two hospitals where the Respondent worked as an agency nurse led to internal investigations regarding possible diversion.

5. The Respondent subsequently admitted that he diverted Demerol for his personal use in September 2005 from both of these hospitals.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the board take such action as it deems to be appropriate under the law.



Dated this 1<sup>st</sup> day of November 2005.

Dana Peterson  
Dana R. Peterson  
Health Professions Investigator  
Iowa Board of Nursing  
Complainant

On this 30<sup>th</sup> day of November 2005, the Iowa Board of Nursing found probable cause to file a Statement of Charges and order a hearing in this matter.

M. Ann Aulwes - Allison  
M. Ann Aulwes-Allison, R.N., M.A., Ed.S.  
Chairperson  
Iowa Board of Nursing

Copy to:

Emily Kimes-Schwiesow  
Assistant Attorney General  
Department of Justice  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
515-281-5637

BEFORE THE BOARD OF NURSING  
OF THE STATE OF IOWA

---

In the matter of:	)	
	)	
DANIEL J. BOELMAN	)	CASE NO. 05-193
1323 Main Street	)	
Pella, IA 50219	)	
	)	STIPULATION AND ORDER
Certificate and License No.	)	
098009,	)	
Respondent.	)	

---

In accordance with the provisions of 2005 Iowa Code § 17A.12(5) and 655 IAC 4.9, and with full knowledge of the allegations asserted in the Statement of Charges filed November 30, 2005, Respondent expressly waives the right to a disciplinary hearing and makes known a desire to resolve the controversy now present before this board by means of informal disposition.

The Respondent concedes to the jurisdiction of the board for all issues relevant hereto, and voluntarily consents to State's counsel presenting this agreement to the board with the terms provided.

Board approval of this settlement shall constitute resolution of a contested case proceeding and will be entered as a FINAL ORDER in this matter.

### STIPULATIONS

1. Respondent's license/s to practice nursing in the state of Iowa is indefinitely suspended pending receipt of a chemical dependency evaluation from a board-approved provider. A recommendation for services will result in continuation of the suspension until appropriate treatment, including related after-care, has been completed and Respondent can verify twelve (12) continuous months of sobriety.

2. Respondent will immediately return the license renewal card/s to the board office.

3. Respondent's license/s to practice nursing in the state of Iowa will be placed on probation for a period of twelve (12) months upon fulfillment of the provisions stated above. Respondent will satisfy applicable administrative licensing requirements and pay any fees due. The license renewal card/s will be marked to indicate conditional licensure and future license/s issued by the board during the term of this sanction are subject to the conditions imposed by this consent agreement.

#### **During the period of probation:**

4. Respondent will contact the case manager **within thirty (30) days** from receipt of the signed order and each month thereafter until the probation requirements have been completed.

Written notice of any change of address or employment will be submitted within five (5) days of the event.

5. Respondent will obtain case manager approval for each work environment that requires licensure as a nurse or involves direct patient care, and immediately submit a copy of this document to the employer for review. The employer will provide the case manager with a monthly report describing Respondent's activities and level of competence as well as ability to professionally interact with patients and coworkers. Respondent will abide by any work place practice restrictions imposed by the employer and consistently maintain acceptable standards of performance.

6. Respondent will attend structured recovery support group meetings if participation is recommended by the treatment program. Reports, which verify attendance, participation, and progress, will be provided to the case manager every month by the counselor, sponsor, and/or group facilitator.

7. Respondent will not use alcohol, deviate from the therapeutic use of prescribed medications, or use illicit drugs.

8. Respondent will immediately report all personal use of prescription medications to the case manager. Written verification must be provided by the prescribing physician or practitioner within ten (10) days from the date the medication was ordered or administered.

9. Respondent will immediately provide body fluid specimens upon request of the case manager, or at the direction of a designee. This requirement may include selection for random testing by an automated notification system authorized by the board.

10. Respondent will submit to a medical and/or mental health examination, when determined appropriate by the case manager, based on information obtained to verify compliance with the requirements of this consent agreement. The examination is to be accomplished within thirty (30) days from the date of written notification to do so, and must be completed by a board-approved practitioner. Respondent will ensure that an evaluation summary is sent directly to the case manager as soon as it is available.

11. Respondent agrees to sign all necessary release forms that may be required to obtain information related to case monitoring and/or compliance with the provisions of this consent agreement.

12. Respondent will assume responsibility for all expenses incurred in order to comply with the conditions and requirements imposed by this consent agreement.

13. Respondent's practice privileges pursuant to the provisions of the Nurse Licensure Compact are suspended for the

ORDER

The Board hereby accepts Respondent's agreement to comply with the stipulations contained in this document as resolution of the contested matter and incorporates those provisions as conditions of this order. THE IOWA BOARD OF NURSING ORDERS Daniel J. Boelman, license no. 098009, to fulfill the requirements indicated.

Dated this 1st day of March, 2006.

*M. Ann Aulwes - Allison*

M. Ann Aulwes-Allison, R.N., M.A., Ed.S.  
Chairperson  
Iowa Board of Nursing

The Statement of Charges and Stipulation and Order are public records and will become part of the Respondent's permanent file. In accordance with the requirements of Iowa Code chapter 22, these documents will be available for inspection and reproduction.

Copy to:

Emily Kimes-Schwiesow  
Assistant Attorney General  
Department of Justice  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
515-281-5637

duration of this sanction, unless specifically granted by the jurisdictional authority of a remote state.

#### LICENSEE DECLARATION

I understand that this settlement agreement is subject to the approval of the board and will have no force or effect on either party if it is not accepted.

I agree to comply with the requirements set forth in the stipulations and understand that my failure to do so will subject me to further board action.

January 18, 2006  
Date

Daniel J. Boelman  
Daniel J. Boelman  
Respondent

Exhibit A  
Stipulation and Order in Case No. 05-193



BEFORE THE BOARD OF NURSING  
OF THE STATE OF IOWA

---

In the matter of:	)	
	)	
DANIEL J. BOELMAN	)	CASE NO. 05-193
1323 Main Street	)	
Pella, IA 50219	)	
	)	STIPULATION AND ORDER
Certificate and License No.	)	
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January 18, 2006  
Date

Daniel J. Boelman  
Daniel J. Boelman  
Respondent

ORDER

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Dated this 1st day of March, 2006.

*M. Ann Aulwes - Allison*

M. Ann Aulwes-Allison, R.N., M.A., Ed.S.  
Chairperson  
Iowa Board of Nursing

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